

HOUSE BILL NO. 240

INTRODUCED BY FACEY, TOOLE

A BILL FOR AN ACT ENTITLED: "AN ACT ADDING AGE, ECONOMIC STATUS, CONDITION OF HOMELESSNESS, CONDITION OF PREGNANCY, INVOLVEMENT IN POLITICAL ACTIVITIES, PHYSICAL OR MENTAL DISABILITY, GENDER, AND SEXUAL ORIENTATION REGARDING CONSENTING ADULT HUMANS, BUT NOT INCLUDING SEXUAL FETISHES, TO THE MONTANA HATE CRIMES LAW; PROVIDING AN EXCEPTION FOR CRIMINAL DEFAMATION; AND AMENDING SECTION 45-5-222, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 45-5-222, MCA, is amended to read:

"45-5-222. Sentence enhancement -- offenses committed because of victim's race, creed, religion, color, national origin, AGE, ECONOMIC STATUS, CONDITION OF HOMELESSNESS, CONDITION OF PREGNANCY, physical or mental disability, gender, sexual orientation REGARDING CONSENTING ADULT HUMANS, BUT NOT INCLUDING SEXUAL FETISHES, or involvement in POLITICAL, civil rights, or human rights activities. (1) A person who has pleaded guilty or nolo contendere to or who has been found guilty of any offense, except malicious intimidation or harassment OR CRIMINAL DEFAMATION, that was committed because of the victim's race, creed, religion, color, national origin, AGE, ECONOMIC STATUS, CONDITION OF HOMELESSNESS, CONDITION OF PREGNANCY, physical or mental disability, gender, sexual orientation REGARDING CONSENTING ADULT HUMANS, BUT NOT INCLUDING SEXUAL FETISHES, or involvement in POLITICAL, civil rights, or human rights activities or that involved damage, destruction, or attempted destruction of a building regularly used for religious worship, in addition to the punishment provided for commission of the offense, may, if the provisions of 46-1-401 have been complied with, be sentenced to a term of imprisonment of not less than 2 years or more than 10 years, except as provided in 46-18-222.

(2) An additional sentence prescribed by subsection (1) must run consecutively to the sentence, except as provided in 46-18-222."

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